

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MANDY HUMPHREYS, o/b/o)	
BILLY J. POWELL, deceased,)	
)	
Plaintiff,)	
vs.)	NO. CIV-06-0686-HE
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Mandy Humphreys instituted this action on behalf of Billy J. Powell (claimant), seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying the claimant's applications for disability insurance benefits and supplemental security income payments. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Bana Roberts, who has recommended that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge found that the administrative law judge ("ALJ") failed, in his residual functional capacity assessment, to explain why he did not accept the opinion of the medical expert who testified at the administrative hearing, that, when he was on his medications, the claimant's ability to interact with his supervisors, coworkers and peers was moderately limited. She also found that the reasons the ALJ gave for rejecting the opinion of the claimant's treating psychiatrist were insufficient.


The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One

Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). The court also concurs with Magistrate Judge Robert's findings and conclusions.

Accordingly the court adopts Magistrate Judge Robert's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 19th day of July, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE